



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,385	02/21/2001	Yasuhiro Tanaka	10873.654USW	5060

7590

08/12/2003

Merchant & Gould
PO Box 2903
Minneapolis, MN 55402-0903

EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,385

Applicant(s)

TANAKA ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-24, 28, 32 and 35 is/are rejected.
- 7) ☒ Claim(s) 26, 27, 30, 31, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21-24, 28, 29, 32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike (US 6,134,055).

Koike, according to Figs. 1-33, show an optical head device comprising all the features of the instant claimed invention as interpreted as below.

Regarding claim 21, see Fig. 1 which shows an objective lens (35) for an optical disk comprising a single lens made of glass and focusing light beams into a point image through first and second optical disk substrates each having different thickness, wherein the objective lens also including at least one surface being divided into at least three region by concentric circles having an optical axis as a center, the three regions including first region including the optical axis and a second located outermost part are rotationally symmetric aspheric surfaces, and a third region sandwiches by the first and the second region is a toric surface having the optical axis as an axis of rotation (see Fig. 3, 8, 9 13, 14, 18, 24, 28, 29 or 30).

Regarding claim 22-24, see any one of Figs. 3, 8, 9 13, 14, 18, 24, 28, 29 and 30.

Art Unit: 2653

Regarding claim 28, see the rejection applied to claim 21 and further see Fig. 1 which shows an optical head device comprising a first light source (30) for emitting a light beam having a first wavelength, a second light source (31) for emitting a light beam having a second wavelength different from the first wavelength; a focusing means (35) for focusing the first and second beams onto a recording medium, a photo detector 38 is interpreted as first and second light receiving means for receiving the light beams reflected from the recording medium.

Regarding claims 29, 32 and 35, see any one of Figs. 3, 8, 9, 13, 14, 18, 24, 28, 29 and 30.

3. Claims 21-24, 29, 32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by either Chung et (US 5,870,369) or Yagi (US 5,808,999).

Chung, according to Figs. 4, 9, 10, 13, and 27, shows an optical head device comprising all the features of the instant claimed invention as interpreted as below.

Regarding claim 21, see Fig. 4 which shows an objective lens (100) for an optical disk comprising a single lens made of glass and focusing light beams into a point image through first and second optical disk substrates each having different thickness, wherein the objective lens also including at least one surface being divided into at least three region by concentric circles having an optical axis as a center, the three regions including first region including the optical axis and a second located outermost part are rotationally symmetric aspheric surfaces, and a third region sandwiches by the first and the second region is a toric surface having the optical axis as an axis of rotation (see lens 100 in Fig. 1 or lens 300 in Fig. 13 and Figs. 9 and 10).

Regarding claim 22-24, see lens 100 in Fig. 1 or lens 300 in Fig. 13 and Figs. 9 and 10.

Art Unit: 2653

Regarding claims 29, 32 and 35, see any of Figs. 3, 8, 9 13, 14, 18, 24, 28, 29 and 30.

Yagi, according to Figs. 1, 2A, 3A , 4A, 5A, 5B and 8, shows an optical head device comprising all the features of the instant claimed invention as interpreted as below.

Regarding claim 21, see Fig. 1 or 8 which shows an objective lens (31) for an optical disk comprising a single lens made of glass and focusing light beams into a point image through first and second optical disk substrates each having different thickness, wherein the objective lens also including at least one surface being divided into at least three region by concentric circles having an optical axis as a center, the three regions including first region including the optical axis and a second located outermost part are rotationally symmetric aspheric surfaces, and a third region sandwiches by the first and the second region is a toric surface having the optical axis as an axis of rotation (see 1, 2A, 3A , 4A, 5A, 5B and 8)

Regarding claim 22-24, see lens 31 in Figs. 1, 2A, 3A , 4A, 5A, 5B and 8.

Regarding claims 29, 32 and 35, see lens 31 in Figs. 1, 2A, 3A , 4A, 5A, 5B and 8.

Allowable Subject Matter

4. Claims 25-27, 30, 31, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-21 allowed.

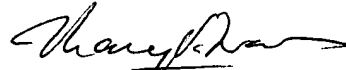
6. Claims 1-21, 25-27, 30, 31, 33 and 34 are allowable over the prior art of record because the prior art, considered in combination or individually, fails to suggest or teach the use of an objective lens including all features as recited in claims 1, 7, 12, 25-27, 30, 31, 33 or 34. Claims 2-6, 8-11, 13-20 are allowable with their respective parent claim.

Art Unit: 2653

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Thang V. Tran
Primary Examiner
Art Unit 2653